UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,263	10/28/2003	Jung Kook Lee	13060-02USA	6512

35736 7590 06/06/2007

JHK LAW
P.O. BOX 1078
LA CANADA, CA 91012-1078

EXAMINER	
LIEU, JULIE BICHNGOC	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
06/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,263	LEE, JUNG KOOK	
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2007*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's response filed March 28, 2007. No claims have been amended, canceled, or added.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 3, and 4 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Myllymaki (US Patent No. 5,670,944).

Claim 1:

Myllymaki discloses a health monitoring device comprising:

a. a skin temperature sensor 5 connected to a microprocessor 9 for mathematically converting the sensed temperature to corrected skin temperature (see col. 3, lines 3-31);

b. a movement sensor 4;

c. a display screen 2 (fig. 1a);

d. a means 9 for communicating with a computer (fig. 2); and

e. wherein the health monitoring device in Myllymaki in a single unit.

Though the reference fails to state that the device is a health monitoring device for a baby. Nonetheless, one of ordinary skill in the art would have readily recognized using the

device to monitor a baby's health as desired because the device is used for monitoring the physical condition of a person and a baby is a person. In addition, the function of the device would not be modified regardless whether it is used on a baby or an adult.

Claim 3:

The device in Myllymaki is shaped as a band. Fig. 1A.

Claim 4:

Myllymaki's device is used on a person's appendage, i.e. a person's or baby's wrist.

4. Claims 2, 5-7, and 11-21 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Myllymaki (US Patent No. 5,670,944) in view of Teller (US 2003/0013538).

Claim 2:

Myllymaki fails to disclose using a humidity sensor indirectly from the Internet. Nonetheless, the concept of using Internet data to obtain pertinent information relating to analyzing a person physical condition is known in the art as taught in Teller. See para. [0073] of Teller's. In light of this teaching, it would have been obvious to one skilled in the art to apply this teaching in the Myllymaki system because it would aid in long term personal physical condition analysis as taught in Teller's.

Claims 5-6:

The Myllymaki system is connected to a repeater 7 which further transmits the signal to another system. See fig. 2.

Teller teaches communicates with a computer at home or at a health facility. Thus, it would have been obvious to one skilled in the art to use the repeater 7 to transmit the received

signal to a computer at home. It is inherent that the Tellers' computer has software to communicate with the device. The device in Myllymaki comprises wireless communications.

Claim 7:

The computer in Teller is connected to a web server so as to be in communication with other computers at home or at hospital. See [0073]. Therefore, one skilled in the art would have readily recognized using the combined system of Myllymaki and Teller as configured in Teller so as to be in communication with other computers as desired because it would allow convenient monitoring.

Claim 11:

Teller teaches a chart comprising corrected skin temperature profile over a set time period. Para. [0073]. The corrected skin temperature is generated and recorded by comparing and analyzing data obtained with the device according to the device stated in the rejection of claim 1. It would have been obvious to one skilled in the art to use this teaching in the combined system of Myllymaki and Teller's because it would allow the system to analyze the data over time which result in more accurate analysis.

Claim 12:

The chart in Teller comprises ambient temperature profile over the set time period. Para. [0073].

Claim 13:

Teller implicitly discloses a chart comprising movement profile over the set time period. Para. [0073] and [0119].

Claims 14 and 15:

The chart in Teller is display on a solid medium, which is display screen 112.

Claim 16:

Though Teller fails to disclose that the chart is displayed on paper, one of ordinary skill in the art would have readily recognized printing the chart on a piece of paper to for easy examination as preferred by a user.

Claim 17:

The Teller system compares corrected skin temperature profile, ambient temperature profile, wherein presence of high or rising corrected skin temperature compared with substantially level ambient temperature indicates that the baby is not healthy. Neither Myllymaki nor Teller specifically discusses detecting the infrequent movement of the baby. Nonetheless, the Teller infers such condition to be detected as it implicitly suggests that undesirable change in the position or movement of the baby factors in as discussed in para. [0119]. In light of this discussion, one skilled in the art would have readily recognized to consider infrequent movements of the baby in the combined system of Myllymaki and Teller as a factor to determined an abnormal situation in the Teller monitoring system.

Claim 18:

The method disclosed in Teller comprises reviewing and analyzing the chart, to determine a pattern of rise or fall in corrected skin temperature, which indicates presence of an infection. Thus, one skilled in the art would have readily used this method in the combined system of Myllymaki and Teller's.

Claim 19:

Teller teaches a method of monitoring a patient health comprising reviewing and analyzing a corrected temperature profile, ambient temperature profile, and a movement profile of a baby and comparing with an established profile. Paras. [0069], [0073], [0019]. Teller fails to disclose review and analyzing to identify a viral infection pattern. Nonetheless, one skilled in the art would have readily recognized using the same method in identifying a viral infection pattern because a viral infection produces health signs that are related to temperature, and movement of the baby. The corrected skin temperature is generated and recorded by comparing and analyzing data obtained with the device according to the device stated in the rejection of claim 1.

Claim 20:

The established profile taught in the combined system of Myllymaki and Teller may be provided by a computer at home or computer at hospital, and stored in a common server that links computer at home and computer at hospital.

Claim 21:

Teller discloses a method of identifying a health condition comprising reviewing and analyzing a corrected temperature profile, ambient temperature profile and movement profile of a patient and comparing with an established profile, wherein matching profile indicates early onset of the viral infection. Para. [0069], [0073], [0019]. Teller fails to disclose review and analyzing to identify an early onset of viral infection. Nonetheless, one skilled in the art would have readily recognized using the same method in identifying a early onset of viral infection pattern because a viral infection produces health signs that are related to temperature and movement of the baby. The corrected skin temperature is generated and recorded by comparing

and analyzing data obtained with the device according to the device stated in the rejection of claim 1.

Claim Rejections - 35 USC § 103

5. Claims 8-10 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Teller (US 2003/0013538).

Claim 8:

Teller discloses a method of facilitating determination of health of a baby comprising providing instructions that comprise simultaneously monitoring corrected skin temperature of the baby, monitoring ambient temperature surrounding the baby, and monitoring level of movement of the baby with the device over time; and comparing and analyzing data obtained, wherein presence of high or rising corrected skin temperature compared with substantially level ambient temperature is not healthy. Refer to previously cited paragraphs in the rejection of the apparatus claims.

The reference fails specifically discuss the infrequent movement of the baby. Nonetheless, the reference infers such condition to be detected as it implicitly suggests that undesirable change in the position or movement of the baby factors in as discussed in para. [0119]. In light of this discussion, one skilled in the art would have readily recognized to consider infrequent movements of the baby as a factor to determined an abnormal situation in the Teller monitoring system.

Claim 9:

The instruction disclosed in Teller appears to be in a computer program which inherently in written form.

Claim 10:

The instructions in Teller are transmitted by broadcast.

Applicant's Arguments

6. The Applicant argued that the significant features of the presently claimed invention is that the obtained skin temperature is mathematically converted to a corrected skin temperature. The Applicant further contended that the instant specification at page 5 defines "corrected skin temperature" as "temperature of a baby's skin as corrected by processing the measured skin temperature through a correction table, which takes into consideration various environmental factors and age of the baby." The Applicant then asserted that Myllymaki does not recognize the necessity or the desirability of obtaining a corrected temperature of any body at all.

Response to Applicant's Arguments

7. Applicant's arguments have been considered but they are not deemed persuasive.

The Applicant's attention is directed to col. 3, second paragraph, wherein it is disclosed that the sensed conditions are compensated by using a plurality of different transducer signals to correct for false data caused by an individual transducer. The reference further suggests that other factors are considered in a analyzing process to compensate for the sensed signal. One of

the sensed conditions is the skin temperature detected by detector 5. Clearly, the skin temperature detected in the Myllymaki is compensated to provide the corrected skin temperature as suggested by the reference.

For the above stated reason, the rejection is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julie Lieu
Primary Examiner
Art Unit 2612

Jun 02, 07